

REMARKS

Claims 1-71 were submitted for examination. In this Office Action, the Examiner has rejected Claims 1-20, 27-28, 30-41, 44-58 and 69 under 35 USC 103(a) as being unpatentable over US Patent No.: 6,559,863 to Megiddo (hereinafter "Megiddo") and US Patent. No.: 6,650,761 to Rodriguez (hereinafter "Rodriguez"), and Claims 21-26, 29, 42-43, 59-60 and 71 under 35 USC 103(a) as being unpatentable over Megiddo, and US Patent No.: 5,880,731 to Liles (hereinafter "Liles").

The Examiner is thanked for the thoughtful review of the application. In the foregoing amendments, the Applicants have cancelled Claim 9, and amended Claims 1-2, 10, 13-21, 23-25, 34, 36-40, 42, 47-52, 60, 64 and 71 to better claim the present invention and further distinguish from the cited references. As a result, Claims 1-8 and 10-71 are now pending. Reconsideration of the pending claims is respectfully requested.

Claims 40 and 60 are rejected under 35 USC 112. Both claims have been amended to correct the informalities. Accordingly, it is believed that the rejection under 35 USC 112 has been overcome.

As amended, Claim 1 recites:

contracting with an owner of an image for use of said image in a graphic environment approved by said owner, said image characterizing a source of a product or service offered by said owner;

displaying said image to a first user to represent a second user communicating with said first user in the graphic environment that is configured to allow various emotional expressions of said first and second users as well as physical interactions, if desired, between a representation of said first user and said image representing said second user to emulate an actual physical interaction between said first and second users; and

transferring a message between said first user and said second user over a network.

(emphasis added)

As shown in FIG. 5A and the description thereof in the pending application, the image 142 contracted by the (2nd) user is characterizing a source of a product or service offered by the owner of the image. Also shown in FIG. 6A and the description thereof in the pending application, the image 163 can be configured to express various emotions and have physical interactions, if desired, with other images (e.g., 161 or 162) to emulate an actual physical interaction. One of the key features recited in Claim 1 is that the image (e.g., an avatar) used in chatting is that the image is not a generic one and is related to or a representative of a business. Further, the image representing a user can be animated to have various physical interactions (*such as punching*) with another image representing another user communicating with the current user.

In contrast, Megiddo shows generic images representing users in chatting as a group, for example, two users 111 and 112 of FIG. 2A chatting with each other. As also agreed by the Examiner, Megiddo does not teach that the use of the image is contracted through an owner of the image. Rodriguez is cited to show the teaching of licensing an image for use in the system of Megiddo's system. The Applicant respectfully contests such combination as it is believed that there is no motivation to combine these two references in the manner proposed by the Examiner. Neither Megiddo nor Rodriguez has suggested such possible interoperability. Nevertheless, even if these references were to be combined, the combination would still fail to teach or suggest the features recited in the once-amended Claim 1.

Rodriguez teaches images encoded with special data that can be used anytime to verify the source or ownership of the images. The image recited in Claim 1 of the present invention has nothing encoded, and is not to verify who owns the image but to "characterize a source of a product or service offered by the owner of the image". Further on the contrary, the ownership information of an image is explicitly given in the "organizational" image. For example, an image of Harland Sanders represents the fast food chain Kentucky Fried Chicken. Besides it is hard to imagine how Rodriguez could be operable in Megiddo, the Applicant respectfully submits neither Megiddo nor Rodriguez, viewed alone or in combination, has taught or suggested "image characterizing a source of a product or service offered by said owner" and "configured

to allow various emotional expressions of said first and second users as well as physical interactions, if desired, between a representation of said first user and said image representing said second user to emulate an actual physical interaction between said first and second users".

The Applicant would like also to discuss Liles although it was not used by the Examiner to reject Claim 1. Referring to FIG. 13 of Liles, it shows that an avatar 254 represents the *host* of the chat session modeled by a virtual space and welcomes a user with an introductory text message. There is no teaching about at least one image characterizing a source of a product or service offered by the owner of the image. Further Liles fails to show that a graphic environment configured to allow various emotional expressions of the first and second users as well as physical interactions, if desired, between a representation of the first user and said image representing the second user to emulate an actual physical interaction between the first and second users.

Accordingly, given the above distinctive reasons and arguments, the Applicant respectfully believes that the once-amended Claim 1 shall be allowable over the cited references. Reconsideration of Claim 1-8 and 10-46 by the Examiner is respectfully requested.

Claim 47 is also amended to include similar features recited in Claim 1. The Applicant wishes to apply the above reasons/arguments for Claim 1 to support the once amended Claim 47. It is believed that the once-amended Claim 47 shall be allowable over the cited references. Reconsideration of Claim 47-51 by the Examiner is respectfully requested.

As amended, Claim 52 recites:

an organization using a plurality of images to identify products or services of said organization, each image being owned by said organization;
a plurality of users contracting with the organization for use of said plurality of images, each of said images representing one of said users in a graphic environment that is configured to allow various emotional expressions of said

users as well as physical interactions, if desired, among said users by animating corresponding said images to emulate an actual physical interaction among said users;

a computer operated by each user displaying said plurality of images with each image representing one of said users in the graphic environment by moving one of said images towards another one of said images to emulate that one of said users walks towards another one of said users for talking; and transferring at least one message between said users.

(emphasis added)

There are at least the following features recited in the once-amended Claim 52 that none of the cited references have taught or suggested:

1. each of the images identify products or services of said organization;
2. images used in a graphic environment that is configured to allow various emotional expressions of the users as well as physical interactions, if desired, among the users by animating corresponding the images to emulate an actual physical interaction among the users; and
3. moving one of said images towards another one of said images to emulate that one of said users walks towards another one of said users for talking.

The Applicant respectfully contests the combination of Megiddo and Rodriguez as it is believed that there is no motivation to combine these two references in the manner proposed by the Examiner. Nevertheless, even if these references were to be combined, the combination would still fail to teach or suggest the features recited in the once-amended Claim 52-63.

As agreed by the Examiner, Megiddo does not teach that the use of the image is contracted through an owner of the image. Rodriguez teaches images encoded with special data that can be used anytime to verify the source or ownership of the images. The image recited in Claim 52 of the present invention has nothing encoded, and is not to verify who owns the image but to "identify products or services of an organization", for example, an image of Harland Sanders represents the fast food chain Kentucky Fried Chicken. Besides it is hard to imagine how Rodriguez could be operable in Megiddo, the

Applicant respectfully submits neither Megiddo nor Rodriguez, viewed alone or in combination, has taught or suggested "moving one of said images towards another one of said images to emulate that one of said users walks towards another one of said users for talking".

Accordingly, given the above supporting reasons that clearly distinguish from the cited references, the Applicant respectfully believes that the once-amended Claim 52 shall be allowable over the cited references. Reconsideration of Claim 52-63 by the Examiner is respectfully requested.

Claim 64 is also amended to include similar features recited in Claim 52. The Applicant wishes to apply the above reasons/arguments for Claim 52 to support Claim 64. It is believed that the once-amended Claim 64 shall be allowable over the cited references. Reconsideration of Claim 64-70 by the Examiner is respectfully requested.

Claim 71 is amended to include additional features "the image and the graphic background together representing a public impression about the business" and "transferring a message between the first and second users, should neither one of the first and second users be on a black-list maintained by the business". Evidently, it is believed that none of the cited references have taught or suggested the particular features. Reconsideration of Claim 71 by the Examiner is respectfully requested

In summary, Claims 1-2, 10, 13-21, 23-25, 34, 36-40, 42, 47-52, 60, 64 and 71 have been amended to include distinct features that are neither taught nor suggested in Megiddo, Rodriguez and Liles, viewed alone or in combination. In view of the above amendments and remarks, the Applicants believe that Claims 1-8 and 10-71 shall be in condition for allowance. Early and favorable action is being respectfully solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplementary Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at (408)777-8873.

Respectfully submitted;



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to "Commissioner of Patents and Trademarks, Washington, DC 20231", on May 17, 2004.

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